

ESTTA Tracking number: **ESTTA487250**Filing date: **08/03/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	Delicato Vineyards
Granted to Date of previous extension	08/04/2012
Address	12001 S Highway 99 Manteca, CA 95336 UNITED STATES

Correspondence information	Delicato Vineyards 12001 S Highway 99 Manteca, CA 95336 UNITED STATES trademark@delicato.com Phone:209-824-3422
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**Applicant Information**

Application No	85497454	Publication date	06/05/2012
Opposition Filing Date	08/03/2012	Opposition Period Ends	08/04/2012
Applicant	Sparkling Oregon, LLC 845 NE Fifth Street, #100 McMinnville, OR 97128 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 033. First Use: 2011/12/01 First Use In Commerce: 2011/12/01  
All goods and services in the class are opposed, namely: Grape wine; Red wine; Red wines; Still wines; Wine; Wines

**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Mark Cited by Opposer as Basis for Opposition**

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	STANZA		
Goods/Services	Aperitif wines; Aperitifs with a wine base; Cooking wine; Fortified wines; Fruit wine; Grape wine; Honey wine; Kits for making wine; Natural sparkling wines; Port wines; Prepared wine cocktails; Red wine; Red wines; Rose wine; Sparkling fruit wine; Sparkling grape		

	wine; Sparkling wines; Still wines; Strawberry wine; Sweet wines; Table wines; Tonic sweet grape wine containing extracts from ginseng and conchona bark (ninjin-kinatetsu wine); White wine; Wine; Wine coolers; Wine punch; Wine punches; Wine-based beverage, namely, piquette; Wine-based drinks; Wines; Wines and fortified wines; Wines and liqueurs; Wines and sparkling wines; Wines derived from grapes grown in CA, labeled and advertised in compliance with CA laws for wine
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Attachments	Stanza - Sparkling Oregon.pdf ( 6 pages )(238916 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/dorothyindelicato/
Name	Delicato Vineyards
Date	08/03/2012

ESTTA Tracking number: **ESTTA479473**

Filing date: **08/03/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Delicato Vineyards
Address	12001 S Highway 99 Manteca, CA 95336

### Applicant Information

Application No	85497454	Publication date	6/5/2012
Opposition Filing Date	6/25/2012	Opposition Period Ends	7/5/2012
Applicant	Sparkling Oregon, LLC 845 NE Fifth Street, #100 McMinnville, OR 97128		

### Goods/Services Affected by Opposition

Class 033.

All goods and services in the class are opposed, namely: Aperitif wines; Aperitifs with a wine base; Cooking wine; Fortified wines; Fruit wine; Grape wine; Honey wine; Kits for making wine; Natural sparkling wines; Port wines; Prepared wine cocktails; Red wine; Red wines; Rose wine; Sparkling fruit wine; Sparkling grape wine; Sparkling wines; Still wines; Strawberry wine; Sweet wines; Table wines; Tonic sweet grape wine containing extracts from ginseng and conchona bark (ninjin-kinatetsu wine); White wine; Wine; Wine coolers; Wine punch; Wine punches; Wine-based beverage, namely, piquette; Wine-based drinks; Wines; Wines and fortified wines; Wines and liqueurs; Wines and sparkling wines; Wines derived from grapes grown in CA, labeled and advertised in compliance with CA laws for wine

### Grounds for Opposition

Priority and likelihood of confusion

Trademark Act section 2(d)

### Mark Cited by Opposer as Basis for Opposition

Word Mark: STANZA

## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	
Name	
Date	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Delicato Vineyards, Petitioner,

v.

Sparkling Oregon LLC,

Applicant.

**Notice of Opposition**

Opposition No. \_\_\_\_\_  
(Application Serial No. 85/497454)

In re trademark application of: Sparkling Oregon, LLC

Serial No.: 85/497454

Filed: December 20, 2011

Mark: **STANZA**

International Class: 33

Published for Opposition: June 5, 2012

**NOTICE OF OPPOSITION**

Opposer Delicato Vineyards ("Opposer"), a California corporation doing business at 12001 S Highway 99, Manteca, CA, 95336, believes it will be damaged by registration of the STANZA mark shown in Application Serial No. 85/497454 (the "454 Application") for STANZA for "Aperitif wines; Aperitifs with a wine base; Cooking wine; Fortified wines; Fruit wine; Grape wine; Honey wine; Kits for making wine; Natural sparkling wines; Port wines; Prepared wine cocktails; Red wine; Red wines; Rose wine; Sparkling fruit wine; Sparkling grape wine; Sparkling wines; Still wines; Strawberry wine; Sweet wines; Table wines; Tonic sweet grape wine containing extracts from ginseng and conchona bark (ninjinkinatetsu wine); White wine; Wine; Wine coolers; Wine punch; Wine punches; Wine-based beverage, namely, piquette; Wine-based drinks; Wines; Wines and fortified wines; Wines and liqueurs; Wines and sparkling wines; Wines derived from grapes grown in CA, labeled and advertised in compliance with CA laws for wine" in International Class 33, and hereby opposes the "454 Application" pursuant to 15 U.S.C. § 1063 and 37 C.F.R. § 2.104.

The grounds for the opposition are as follows:

1. Opposer has used the mark STANZA in connection with wine since at least as early as August 2008, and continues to use its STANZA mark for wine in commerce.
2. Opposer has common law rights in the mark STANZA for wine by virtue of the continuous use of the mark since at least August, 2008.
3. Opposer adopted and has continuously used in commerce its STANZA mark in connection with wine well before Applicant's December 01, 2011, claimed first date of use for the proposed mark of the "454 Application".
4. Opposer uses its STANZA mark to market and promote the sale of wine.
5. Opposer has expended considerable time, effort, and money in advertising and publicizing the sale and provision of wine bearing the STANZA mark.
6. Opposer has established extensive goodwill and consumer recognition in connection with the STANZA mark.
7. The purchasing public has come to know, rely upon, and associate the mark STANZA with Opposer.
8. The purchasing public recognizes Opposer's wine by its STANZA mark.
9. Opposer's STANZA mark serves to identify Opposer's goods.
10. Opposer's STANZA mark serves to distinguish Opposer's goods from the goods, services, and businesses of others.
11. Opposer's STANZA mark symbolizes the goodwill of Opposer's business, is well-known, and is of great value to Opposer in connection with the offering of Opposer's goods.
12. The opposed application, Serial No. 85/497454, is for STANZA for "Grape wine; Red wine; Red wines; Still wines; Wine; Wines."
13. The goods recited in the opposed "454 Application" for STANZA are identical to or related to and closely associated with Opposer's goods.
14. The STANZA mark of the opposed application exactly incorporates the mark of Opposer's mark for STANZA.
15. The STANZA mark of the opposed application is identical to Opposer's STANZA mark in sight, sound, and pronunciation.
16. Applicant's mark is likely to cause confusion or mistake, or will likely deceive purchasers as to the source or sponsorship of its goods, because Applicant's alleged mark is identical to Opposer's STANZA mark and the goods are identical or nearly identical.

17. Applicant's use of the STANZA mark in connection with the goods listed on the "454 Application" is likely to confuse consumers into believing that the goods are offered by, originated from, authorized by, or somehow affiliated with Opposer.

18. Upon information and belief, Applicant's goods and Opposer's goods and services are or may be offered through the same, substantially the same, and/or related channels of trade, and to the same, substantially the same, and/or related classes of purchasers, and are or may be advertised, marketed and promoted through the same media channels.

19. Consumers are likely to believe that Applicant's goods originate from, or are authorized by, or sponsored by Opposer.

20. Applicant's mark is likely to cause confusion or mistake, or will likely deceive purchasers as to the source or sponsorship of its goods.

WHEREFORE, Opposer asks that Applicant's Application Serial No. 85/497454 for STANZA be refused, that no registration be issued thereon to Applicant, and that this Opposition be sustained in favor of Opposer Delicato Vineyards.

This Notice of Opposition is being together with the filing fee stated in 37 C.F.R. § 2.6(a)(16).

Dated: August 3, 2012

Respectfully submitted,

Delicato Vineyards  
Dorothy Indelicato  
Treasurer  
(209) 824-3422  
trademark@delicato.com

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on August 3, 2012, a true copy of the foregoing NOTICE OF OPPOSITION was served on Applicant pursuant to 37 CFR §2.101 at the correspondence address of record in the Patent and Trademark Office by first class mail, postage prepaid, to the person listed as the correspondent and/or domestic representative for the opposed application:

SPARKLING OREGON, LLC  
845 NE FIFTH STREET, #100  
MCMINNVILLE, OR 97128

By  
Dorothy Indelicato  
Treasurer